

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

3:13-00056-03

U.S.A. vs. Dwayne Wilson Docket No. 3:14CR00056-003

Petition for Action on Conditions of Pretrial Release

COMES NOW Laminta G. Poe, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Dwayne Wilson who was placed under pretrial release supervision by the Honorable Judge John S. Bryant sitting in the Court at Nashville, Tennessee, on August 29, 2013, under the following conditions: Please see attached Order setting Conditions of Release.

Respectfully presenting petition for action of Court and for cause as follows:
Please reference page two of this document

I declare under penalty of perjury that the foregoing is true and correct.

<u>Laminta G. Poe</u>	<u>Nashville, TN</u>	<u>July 11, 2014</u>
<u>U.S. Pretrial Services Officer</u>	<u>Place:</u>	<u>Date:</u>
<u>Next Scheduled Court Event</u>	<u>Sentencing Hearing</u>	<u>August 27, 2014</u>
	<u>Event</u>	<u>Date</u>

PETITIONING THE COURT

<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> To issue an order setting a hearing on the petition
<input type="checkbox"/> To Issue a Warrant	<input type="checkbox"/> Other

THE COURT ORDERS:

<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> A Hearing on the Petition is set for
<input type="checkbox"/> The Issuance of a Warrant.	
<input type="checkbox"/> Sealed Pending Warrant Execution (cc: U.S. Probation and U.S. Marshals only)	<u>Date</u>
<input type="checkbox"/> Other	<u>Time</u>

Considered and ordered this 16th day of July, 2014, and ordered filed and made a part of the records in the above case.

John S. Bryant
John S. Bryant
U.S. Magistrate Judge

Petition for Action on
Wilson, Dwayne
Docket: 3:13CR-00056-003

On August 26, 2013, Dwayne Wilson appeared before Your Honor for an Initial Appearance charged with violating 18 U.S.C. § 1349, Conspiracy to Commit Bank Fraud; 18 U.S.C. § 1344, Bank Fraud; and 18 U.S.C. § 1028A, Aggravated Identity Theft. A detention hearing was held on August 29, 2013, in which he was released to pretrial services supervision with the conditions listed in the attached Order Setting Conditions of Release. The defendant resides in the Southern District of Florida, where he has been under courtesy supervision since the date of release.

VIOLATIONS:

According to the Pretrial Services Office in the Southern District of Florida, on June 27, 2014, Mr. Wilson submitted a urine sample via non-instrumented drug testing device, which tested positive for marijuana. Mr. Wilson initially denied using any illegal substance but subsequently admitted to using marijuana on June 23, 2014, and June 28, 2014.

Probation Officer's Actions:

The defendant's drug use has been previously monitored through urine screens. Since he has recently tested positive, he will be transferred to the treatment officer in that district. The Court will be notified of any future violations.

Respectfully Petitioning the Court as Follows:

The U.S. Probation and Pretrial Services Office would respectfully request that no action be taken at this time.

Approved:



Vidette Putman
Supervising U.S. Probation Officer

cc: AUSA Scarlett Singleton
Defense counsel, Jennifer Thompson

UNITED STATES DISTRICT COURT
for the
Middle District of Tennessee

United States of America)
v.)
Dwayne Downton Wilson)
Defendant) Case No. 3:13-00056 (3)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified) _____ to be notified
Place
on _____ Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

() (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.

() (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of _____ dollars (\$ _____) in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

The defendant must:

- (a) Report to the U.S. Pretrial Services as directed;
- (e) Seek and/or maintain verifiable employment;
- (g) Surrender all passports to Pretrial Services;
- (h) Obtain no new passports;
- (i) Travel is restricted to the Middle District of Tennessee and the Southern District of Florida, without prior approval of pretrial services;
- (n) Refrain from possessing a firearm, destructive device, or other dangerous weapons;
- (p) Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner;
- (q) Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening, or testing;
- (r) Participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer;
- (s) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of release;
- (u) Report as soon as possible, but at least within 48 hours, to the pretrial services officer any contact with any law enforcement personnel, including but not limited to, any arrest, questioning, or traffic stop;
- (v) Permit pretrial services to visit you at home or elsewhere and permit confiscation of any contraband observed in plain view of the officer

ADVICE OF PENALTIES AND SANCTIONS**TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

x /Shawne Wilson
Defendant's Signature

Nashville, Tennessee
City and State

Directions to the United States Marshal

The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: August 29, 2013

John Bryant
Judicial Officer's Signature

JOHN S. BRYANT, U.S. MAGISTRATE JUDGE
Printed name and title